

STATEMENT OF PURPOSE

RS20127

The purpose of this proposal is to supplement and enhance enforcement of state criminal law within Indian reservations located in the state of Idaho. The proposal authorizes law enforcement officers employed by a federally recognized Indian Tribe in Idaho to act as peace officers, for the purpose of enforcing Idaho state criminal laws, within the exterior boundaries of the Tribal reservation, subject to fulfilling certain conditions. Primary conditions require: • The law enforcement officers must be trained and certified by the Idaho Peace Officers Standards and Training Council (POST), and complete the basic training required for all peace officers to be eligible for permanent employment by the state of Idaho or a city or county, and maintain such certification; • The appointed law enforcement officers must cause persons arrested or cited for misdemeanor or felonies to be immediately processed only before Idaho state magistrates in the county where the offense occurred; • The Indian tribe appointing such officers must maintain insurance in an amount not less than \$2,000,000; and • The Indian tribe appointing such officers must waive sovereign immunity from suit to the extent necessary to permit recovery under the insurance up to the limit of such policy. The proposal also provides that neither the state of Idaho nor any county or city shall be liable for any acts or failure to act by any law enforcement officer employed by an Indian tribe and the Act shall not be construed to limit, impair or otherwise affect existing law enforcement authority of state, county, or city law. The proposal also conforms the definition of "peace officer," in existing section 19-510, Idaho Code, to the provisions of Rule 2(g), Misdemeanor Criminal Rules, as adopted by the Idaho Supreme Court.

FISCAL NOTE

There is no negative fiscal impact to state or local government.

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